

HERGE, SPARKS & CHRISTOPHER, LLP

ATTORNEYS AT LAW

SUITE 360

6862 ELM STREET

McLEAN, VIRGINIA 22101

(703) 848-4700

J CURTIS HERGE
ROBERT R SPARKS, JR.
A MARK CHRISTOPHER
CHRISTOPHER T CRAIG
LINDA STILES SHIVELY

FACSIMILE NUMBER
(703) 893-7371
WEB SITE ADDRESS
WWW.HSC-LAW.COM

November 16, 2001

Certified Mail -
Return Receipt Requested

Roy Q. Luckett, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JAN 28 2 42 PM '02

Re: MUR 5020

Dear Mr. Luckett:

This is written with reference to the letter from Chairman McDonald to Mr. Trump, dated October 18, 2001, relative to MUR 5020, in which it was reported the Federal Election Commission had found reason to believe that Mr. Trump violated 2 U.S.C. § 441a(a)(1)(A). That finding was based on the theory "it would seem unlikely that Mr. Trump would expend only \$2,000"¹ for the invitations, food and beverages associated with a reception Mr. Trump hosted in his residence on March 27, 2000 for William Gormley, a candidate for election to the United States Senate.

To recapitulate the facts of this matter, Donald J. Trump personally hosted the March 27, 2000 reception for Mr. Gormley. He hosted the reception voluntarily and in his personal capacity. The reception was held in Mr. Trump's residence. The invitations, food and beverages for the reception were provided and paid for by Mr. Trump personally. Mr. Trump was not reimbursed for the costs of those invitations, food and beverages. Those facts, which are undisputed, are before the Commission in affidavits of Mark A. Brown, Fred A. Buro, Larry Mullin and Donald J. Trump which we submitted to you with our letter of June 30, 2000. The only remaining issue of fact is how much Mr. Trump paid for those invitations, food and beverages.

¹ Last sentence on the fourth page of the Factual and Legal Analysis prepared by the Office of General Counsel in this matter.

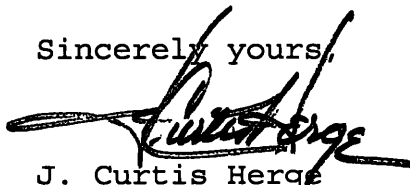
Roy Q. Luckett, Esq.
November 16, 2001
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Enclosed is the executed affidavit of Norma I. Foerderer which, we submit, resolves this matter. In her affidavit, Ms. Foerderer states she volunteered and assisted Mr. Trump after her normal working hours in organizing the reception. Her services included creating and producing the invitations on Mr. Trump's personal stationery; she purchased all the food which was served at the reception; she purchased the beverages for the reception; she hired the staff which set up, served and cleaned up after the reception. Ms. Foerderer states she has personal knowledge of how much was spent for those items. In paragraph 5 of her affidavit, Ms. Foerderer states the invitations cost \$110.00, the food cost \$364.00, the beverages cost \$250.00, and the wait staff cost \$280.00. The total cost was \$1,004.00. Ms. Foerderer further states in her affidavit that Mr. Trump personally paid those costs.

It is provided in 2 U.S.C. § 431(8)(B)(ii) that the term "contribution" does not include the use of real or personal property, or the cost of invitations, food and beverages, voluntarily provided by an individual to any candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities, to the extent the cumulative value of such invitations, food and beverages provided by such individual on behalf of any single candidate does not exceed \$1,000 with respect to any single election. As a consequence of 2 U.S.C. § 431(8)(B)(ii), \$1,000.00 of the \$1,004.00 paid for the invitations, food and beverages did not constitute a contribution by Mr. Trump to Mr. Gormley or to Mr. Gormley's campaign. The remaining *de minimus* \$4.00 was a permissible contribution by Mr. Trump because, as stated in the Factual and Legal Analysis on this matter, Mr. Trump made no other contribution to the Gormley campaign.

It is submitted there is no evidence to suggest that Mr. Trump violated 2 U.S.C. § 441a(a)(1)(A) as alleged. Accordingly, the file on this matter should be closed.

Sincerely yours,



J. Curtis Herge

:sbl

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
DONALD J. TRUMP,
Respondent.

MUR 5020

JAN 28 2 42 PM '02

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

AFFIDAVIT OF NORMA I. FOERDERER

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, NORMA I. FOERDERER, being duly sworn, hereby make
this statement under oath and of my own free will:

1. I am a citizen of the United States of America and
an employee of The Trump Organization, 725 Fifth Avenue, New
York, New York, 10022.

2. On March 27, 2000, Donald J. Trump hosted a
reception for William L. Gormley, a candidate for election to the
United States Senate from the State of New Jersey (hereinafter
"the Reception"). The Reception was held in Mr. Trump's
residential premises at 721 Fifth Avenue, New York, New York,
10022, from 5:30 p.m. until 7:00 p.m. I attended the Reception.

3. When I learned in early March, 2000 that Mr. Trump
was considering hosting the Reception, I volunteered and assisted
Mr. Trump after my normal working hours in organizing the
Reception. I received no compensation for the value of my
volunteer services related to the Reception.

4. Having assumed responsibility for organizing the Reception, I have personal knowledge of the items purchased for and provided at the Reception, the cost of those items, and the identity of the individual who paid those costs.

5. I provided the following volunteer services in organizing the Reception:

(a) I created and produced the invitations on Mr. Trump's personal stationery. Approximately 200 such invitations were addressed to individuals on Mr. Trump's personal mailing list and were mailed using Mr. Trump's personal postage account. The approximate cost of producing and mailing those invitations, including paper and postage was, to the best of my knowledge, approximately \$110.00.

(b) I purchased a selection of cheeses, crackers and fruit and set them out on one table (about the size of a card table) in the foyer of Mr. Trump's residence. That was the only food at the Reception. The cost of that food was, to the best of my knowledge, approximately, \$364.00.

(c) I arranged the hiring of two bartenders, each of whom worked four hours (set-up, serving and clean-up time) at \$40.00 per hour. The total cost of the two bartenders was \$280.00.

(d) The two bartenders served the guests a choice of wine, Coca-Cola, sparkling water and fruit juices. I purchased the Coca-Cola, sparkling water and fruit

juices at a cost of, to the best of my knowledge,
approximately \$250.00. The wine had no cost. Mr.
Trump regularly receives bottles of wine as gifts at
Christmas, birthdays and other special occasions.
Because Mr. Trump does not drink alcoholic beverages,
such gifts are accumulated and provided by Mr. Trump to
his guests at events such as the Reception.

6. The total cost of the invitations, food and
beverages related to the Reception is recited in paragraph 5 of
this Affidavit. Mr. Trump personally paid all those costs.

IN WITNESS WHEREOF, I have executed this Affidavit this
15th day of November, 2001.


NORMA I. FOERDERER

SWORN TO and SUBSCRIBED before
me by NORMA I. FOERDERER, this
15th day of November, 2001.


Notary Public

My Commission Expires:

